THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 18913 OF 2007

Dated 30th November, 2007

Between:

A.Venu

…Petitioner

And

The Government of Andhra Pradesh,
represented by its Secretary,
Home Department, Secretariat,
Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner, who is a resident of Bapujinagar of Chikkadpally, Hyderabad seeks issuance of a writ of mandamus declaring the action of the respondents in opening and continuing the Rowdy Sheet/History Sheet against him on the file of Chikkadpally Police Station, Hyderabad as illegal and arbitrary.

In the year 2003, a case was registered against the petitioner for the offence under Section 307 I.P.C. on the file of the Police Station, Gandhinagar. Subsequently also, cases were registered in the years 2004 and 2006 against the petitioner. They were the cases for binding over as contemplated under Section 107 Cr.P.C. on the file of the Police Station, Chikkadpally. It is the grievance of the petitioner that though he was acquitted of the charge in Crime No.343 of 2003, the respondents are continuing the rowdy sheet without reviewing it as per the Andhra Pradesh Police Standing Orders.

In the counter affidavit filed on behalf of the respondents, while referring to the involvement of the petitioner in various cases in the years 2004 and 2006, with reference to Cr.No.343 of 2003, it is stated that he was acquitted after trial on 14.9.2005. Further, it is specifically admitted in paragraph 4 of the counter affidavit that there are no cases pending against the petitioner on the file of the Chikkadpally Police Station. In view of the registration of the crimes against the petitioner from 2003-04, it cannot be said that opening of rowdy sheet against the petitioner is per se illegal. However, it is now well settled that once a rowdy sheet is opened, it cannot be continued mechanically without reviewing it. The plea of the respondents that unless a close watch is maintained over the movements of the petitioner, he may involve in similar type of

offences is no ground for continuance of the rowdy sheet as per A.P.Police Standing Order No.742 in view of the judgment of this Court in **Mohd. Quadeer vs. Commissioner of Police**[1], wherein it has been held that sub-clause(2) of Standing Order 742 makes applicable Standing Order No.735 for discontinuance of the rowdy sheets also as in the case of History sheets.

As much as it is stated in the counter affidavit that no cases are pending against the petitioner, I dispose of the writ petition permitting the petitioner to make a representation in that regard before the respondents 1 and 2 within a period of two weeks from today. If such a representation is filed, the respondents shall consider the continuance or otherwise of the rowdy sheet opened against the petitioner as per the A.P.Police Standing Orders now in force and pass appropriate orders and communicate the same to the petitioner.

Subject to above direction, the writ petition is disposed of. No costs.

_____

30-11-2007 **R.SUBHASH REDDY, J.**
VR

---

[1] 1999 (2) ALT 733